

MINUTES
LEXINGTON COUNTY COUNCIL
JUNE 10, 2003

Lexington County Council held its regular meeting on Tuesday, June 10, 2003, in Council Chambers, beginning at 4:30 p.m. Chairman Davis presided; Mr. Rucker gave the invocation; Mr. Carrigg led the Pledge of Allegiance.

Members attending:	George H. Smokey Davis	William C. Billy Derrick
	Bobby C. Keisler	Johnny W. Jeffcoat
	Joseph W. Joe Owens	M. Todd Cullum
	Bruce E. Rucker	Jacob R. Wilkerson
	John W. Carrigg, Jr.	

Also attending: Art Brooks, County Administrator; Larry Porth, Finance Director/Deputy County Administrator; Katherine Doucett, Personnel Director/Deputy County Administrator; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

Mr. Davis acknowledged the Leadership of Lexington Youth Group who were in attendance. Mr. Wilhide, who is chairing this year's Leadership of Lexington Youth Group, stated there were 23 members who are going through the program presently. He stated that they are spending a week going through the County and teaching the members about different areas of business, agriculture, and government within the county.

Employee Recognition - Art Brooks, Administrator - There were no recognitions.

Resolutions - PBT Telecom - Mr. Derrick made a motion and Mr. Owens seconded to adopt the PBT Telecom Resolution.

Mr. Davis opened for discussion; no discussion occurred:

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Owens	Mr. Carrigg
	Mr. Jeffcoat	Mr. Keisler
	Mr. Cullum	Mr. Rucker
	Mr. Wilkerson	

Mr. Harry and Dorlee Keisler - Mr. Keisler made a motion and seconded by Mr. Rucker to honor Mr. Harry and Dorlee Keisler who are celebrating their 50th anniversary, June 14, 2003.

Mr. Davis opened for discussion; no discussions occurred.

In Favor:	Mr. Davis	Mr. Keisler
	Mr. Rucker	Mr. Derrick
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	Mr. Rucker
	Mr. Wilkerson	

Appointments - Central Midlands Council of Governments - Mr. Jeffcoat made a motion and seconded by Mr. Carrigg that the motion to appoint Lowell C. Spires be taken off the table.

Mr. Owens stated that the motion must come from the prevailing side.

Mr. Davis stated he thought that was incorrect on a tabled motion; anyone could remove a tabled motion from the table.

Mr. Davis opened for discussion.

Mr. Rucker stated that he was abstaining since the company for which Mr. Spires is employed supplies onsite dumpsters for his business. He had discussed this with the county attorney and was advised not to discuss or vote on the matter.

Mr. Owens stated in that case, who can vote on it? He supplies something for everybody; the company has a contract with this County.

Mr. Rucker stated Mr. Spires was directly related to the business which he owns; not the County's business.

Mr. Davis stated that was a significant difference and an ethics issue.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Carrigg	Mr. Derrick
	Mr. Cullum	Mr. Wilkerson

Opposed:	Mr. Owens	Mr. Keisler
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Abstaining:	Mr. Rucker
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Mr. Davis opened the motion to appoint Lowell C. Spires for discussion.

Mr. Owens stated that Mr. Spires has spent 8 ½ years as an appointee of this body. He has spent another 10 years as citizen of his own for a total of 19 ½ years. According to our records, he has been on since 1983 and if term limits are truly there so that members do not become entrenched, I think this is a quintessential case. He has been there 20 years, the limit is 9 and he has far exceeded the bounds of what the rules are. You are limited to three terms according to the bylaws. He has been there 8 ½ years so the most he could possibly serve is a six-month term. Beyond that he spent ten years prior to that on Council. He stated he has found no information that distinguishes between how you are appointed, whether you are a member of County Council or are appointed by County Council. To say he is eligible for appointment, the bylaws do not indicate that.

No further discussion.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Carrigg	Mr. Derrick
	Mr. Wilkerson	

Oppose:	Mr. Cullum	Mr. Keisler
	Mr. Owens	

Abstain:	Mr. Rucker
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Mr. Owens stated we are in violation of our rules.

Mr. Wilkerson stated that he had asked to go into Executive Session on June 3, 2003 to get clarification from Legal Counsel. According to Legal Counsel, legally he indicated that there was no problem with County Council reappointing Mr. Spires. Mr. Wilkerson stated if legal counsel had advised that the reappointment was illegal or that Mr. Spires had served his maximum number of terms, he believed Council would have been so advised and the motion would not have been brought off the table. Mr. Wilkerson stated he wanted to clarify his vote. First of all, there is one disagreement that Mr. Owens has with Mr. Spires on a certain issue and he agreed with Mr. Owens that sewage should not be dumped in Lower Saluda. He stated that Mr. Spires should not be reappointed because of one issue. Mr. Wilkerson stated that he did feel some Council members had been put in a bad situation because of some disagreement. He stated that everyone should vote the way they feel. Mr. Wilkerson stated that a person is only as good as his word and before any of this came up, he had given someone his "word" that this was the way he would vote and he stated that he felt that somebody is only as good as their word and that is the reason why he voted like he did.

Mr. Owens stated that the County Attorney was not asked to determine the term limits aspect. It is very clear that you can be a member of Central Midlands. There are no restrictions with respect to dual officer holding. He reiterated that the County Attorney was not asked to address the term issue; that was not part of his assignment. He stated that to say "it" was cleared by our

counsel, he would request that the County Attorney address that point; that was not what he was asked to do.

Mr. Davis stated that any legal briefings would be in Executive Session

Central Midlands Council of Governments - William Billy Derrick - Mr. Jeffcoat made a motion, seconded by Mr. Rucker, to appoint Mr. Derrick to the Central Midlands Council of Governments.

Mr. Davis opened the meeting for discussion.

Mr. Wilkerson asked Mr. Derrick if he agreed to serve.

Mr. Derrick responded that he would.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Rucker	Mr. Carrigg
	Mr. Keisler	Mr. Owens
	Mr. Cullum	Mr. Wilkerson

Abstaining: Mr. Derrick

Bids/Purchases/RFPs - Sidewalk Improvements - Eastlawn Road - Public Works - Mr. Davis stated that the Sidewalk Improvements- Eastlawn Road would be taken off the agenda and discussed as a contractual matter.

Mr. Rucker made a motion, seconded by Mr. Derrick to approve the following Bids/Purchases.

Roadway Improvements - Archwood Street; Wayne Street; Hill Haven Road - Public Works -

Bids were advertised and solicited for Roadway Improvements for Archwood Street, Wayne Street and Hill Haven Road. Four bids were received. Staff recommended award of the bid to the lowest bidder, Cherokee, Inc. for a total of \$773,551.17.

Construction of Addition to Public Works Facility - Public Works - Bids were advertised and solicited for addition of office space to the Public Works Administration facility. Three bids were received. Staff recommended award of the bid to the lowest bidder, Lyn-Rich Contracting for a total of \$129,000.00.

Petroleum Oils and Lubricants - Term Contract - Central Stores - Bids were advertised and solicited for the purchase of Petroleum Oils and Lubricants to be delivered to Central Stores. The term of the contract is for a period of one (1) year effective July 1, 2003 which can be extended on an annual basis not to exceed two (2) additional one year periods. Four bids were received. Staff recommended the award of the bid to the lowest bidder for a total of \$25,889.69 including sales tax.

Mr. Davis opened for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Rucker
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Mr. Derrick	Mr. Carrigg
Mr. Jeffcoat	Mr. Keisler
Mr. Owens	Mr. Cullum
Mr. Wilkerson	

Chairman's Report - Mr. Davis proposed that the June 24, 2003 meeting be canceled. Mr. Davis announced that the Soil and Water Conservation District will be having a bus tour on Friday, June 20, 2003 from 10:00 - 2:00 p.m. The tour will be covering parts of the county concerning agriculture and natural resource conservation.

Mr. Wilkerson stated that Lexington County Safety day was also scheduled for June 20, 2003 from 11:00 - 1:00 p.m. as well.

Budget Amendment Resolutions - Temporary Alcohol Beverage License - Mr. Davis stated that the County was requested to appropriate money from the Temporary Alcohol Beverage License to support the American 2003 celebration at William-Brice Stadium on June 29, 2003. This will be a tremendous patriotic event to support our troops in South Carolina and the nation.

Administrative Report - Mr. Brooks stated that he would like to recognize Mr. William Rowell, the County Treasurer, regarding information from the Legislation that will be affecting the County.

Mr. Rowell stated that the legislation of dealing with the renovation of DMV was passed and signed by Governor Sanford. He said it would allow the County to contract with the State to provide the decals to citizens of Lexington across the counter and through the mail. The legislation allows \$1.00 per car and at the present time we are dealing with registrations of approximately 17,500. He indicated that would be a potential of \$175,000.00 to the County to deal with DMV on a contract. Mr. Rowell stated that he had visited local DMV offices and had done a cost study before the budget and found the cost of the software would cost the County approximately \$2,500 in software changes to our present PC/cash registers. In addition another \$3,300.00 for printers. He stated that his office would be needing either an additional cashier as well as part-time help. He stated that for the County to provide this service it would require a vote by Council and the County's negotiation with DMV. He stated he thought it was a very good move of the legislature to provide the money and to allow the County to be involved in adding this additional service to our tax payers. It will be sometime in August before the service can be implemented as it takes effect 60 days after the governor's signature. Mr. Rowell stated that we might want to wait until the renovations to the administration building are completed and the office moves into the new facilities.

Mr. Davis opened the meeting for questions/discussion.

Mr. Derrick asked Mr. Rowell if he had an idea of what this might cost other than for the software, printers and personnel. What would the actual cost be for DMV to do the exact operation per decal?

Mr. Rowell, replied no. He stated that the DMV subcontracts the decals to be sent.

Mr. Derrick stated that he found it hard to believe that it could be done for only a \$1.00 when postage is \$.37.

Mr. Rowell stated that he expects to send the receipt and decal in the same envelope.

Mr. Derrick asked Mr. Rowell if he thought he can contract to get more than the \$1.00.

Mr. Rowell, replied he did not think so. He stated that's what legislation did; it limited what they were going to give back to get this service done, whether it was negotiated outside the counties or with the counties.

Mr. Derrick stated that it upsets him that the State mandates the County to do something that they know they cannot do themselves for the same amount of money they are offering the county to do it. Mr. Derrick stated he is afraid that it will cost the citizens of Lexington County more money ultimately to have this convenient service where it is a State function and the State is not fulfilling their obligation. He also said the State "once again" is taking the monkey off their back and passing it down to the local jurisdiction.

Mr. Rowell stated that he thought that the Lexington County citizens will get better service with this move. He also indicated that the \$1.00 will be more than what the County will be investing in giving the citizens this service.

Mr. Derrick stated that he did not doubt Mr. Rowell; it frustrated him that counties were not offered \$2.00 or \$2.50 or what it costs the state to perform the same function.

Mr. Rucker stated that he knew Mr. Rowell would do a better job than the DMV. He stated that there were a lot of negotiations between the General Assembly and the Board of Directors of the Association of Counties. Mr. Rucker indicated that the County did not need to do anything until after the Association of Counties meeting in July and determine whether the SCAC feels counties can provide the service for \$1.00.

Mr. Rowell asked Mr. Rucker if he would meet with him for discussion.

Mr. Davis thanked Mr. Rowell for this important update.

Budget Amendment Resolution - Mr. Brooks present the following budget amendment.

Supplemental Appropriation Increase - A \$300,000.00 appropriation increase to the Worker Compensation Fund. The FY 2002/2003 budget for claims was based on the low level of actuarial's claims previous year and also due to the result of two deaths and legal fees associated with the courthouse mold remediation.

Zoning Map Amendment M03-03- Veterans Court - Hendrix - Announcement of 1st

Reading- Mr. Davis announced 1st reading of Zoning Map Amendment M03-03.

Ordinance - Ordinances 03-2 - Building Codes Ordinance Amendments - 3rd & Final

Reading - Mr. Rucker stated that the 2000 National Electrical Code is required by State law to be adopted by all counties and municipalities.

A motion was made by Mr. Jeffcoat and seconded by Mr. Derrick that ordinance 03-2 be given third and final reading.

Mr. Davis opened for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Derrick	Mr. Carrigg
	Mr. Cullum	Mr. Keisler
	Mr. Owens	Mr. Rucker
	Mr. Wilkerson	

Ordinance 03-3 - FY 03-04 General Fund and Non-General Fund Budgets - 3rd & Final

Reading - Mr. Jeffcoat made a motion and seconded by Mr. Rucker to adopt the annual budget for fiscal year 2003-2004.

Mr. Davis opened for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Rucker	Mr. Derrick
	Mr. Carrigg	Mr. Keisler
	Mr. Owens	Mr. Cullum
	Mr. Wilkerson	

Committee Reports - Public Works, B. Derrick, Chairman - Clay Hill Road - Mr. Derrick stated that during the afternoon meeting the committee met to discuss the paving of Clay Hill Road. Mr. Derrick stated a number of citizens who live on Clay Hill Road did not want Clay Hill Road paved. The committee recommended to obtain a bid alternate to the contract that would provide for some other method to stabilize the soil so it would not be a dirt road but a “modified” dirt road. Mr. Derrick stated that they wanted to review the bids before they were accepted or rejected.

Mr. Derrick made the motion and seconded by Mr. Rucker to obtain bids to include an alternate and review before approving Clay Hill Road.

Mr. Davis opened for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Derrick
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Mr. Rucker	Mr. Carrigg
Mr. Jeffcoat	Mr. Keisler
Mr. Owens	Mr. Cullum
Mr. Wilkerson	

Ebenezer Pentecostal Holiness Church Request - Mr Derrick stated that during the afternoon meeting his committee met to discuss the installation of flashing beacons over pedestrian crossing signs on Church Street in South Congaree from the "C" funds. He stated that DOT will install the cross walk signs for the cost of the materials and the church will be responsible for the electric bill. Mr. Derrick stated that the committee voted to recommend the \$5,410.84 be allocated from the "C" fund program to pay for the system.

A motion was made by Mr. Derrick and seconded by Mr. Keisler that \$5,410.84 be allocated from the C Fund program to cover the cost of the system.

Mr. Davis opened for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Keisler	Mr. Cullum
	Mr. Jeffcoat	Mr. Carrigg
	Mr. Owens	Mr. Rucker
	Mr. Wilkerson	

Presentations - Mr. William Meadows, 749 Founders Road, Lexington 29073. Poultry Operation/Zoning - Mr. Meadows was not present.

Community and Economic Development - Revision of Fees - Mr. Davis stated he was asked about the revision of fees and he indicated that it was discussed in the Committee as a Whole. Mr. Davis referred the revision of fees back to the Planning and Administration Committee for another review and noted that the revisions would be on the July agenda.

Executive Session/Legal Briefing - A motion was made by Mr. Cullum and seconded by Mr. Wilkerson to go into executive session to discuss a personnel matter and legal matters.

In Favor:	Mr. Davis	Mr. Cullum
	Mr. Wilkerson	Mr. Derrick
	Mr. Jeffcoat	Mr. Keisler
	Mr. Owens	Mr. Rucker
	Mr. Carrigg	

Mr. Davis reconvened Council in open session.

Matters Requiring a Vote as a Result of Executive Session - Mr. Davis reported that while in Executive Session Council received the legal briefing, discussed a personnel matter and there were some motions to be considered.

Sidewalk Improvements Eastlawn Road - Public Works - Mr. Derrick stated that Holzheimer Construction Company the apparent low bidder, made errors in the bid procedure.

A motion was made by Mr. Derrick and seconded by Mr. Rucker that contract be awarded to Carolina Contract Inc. in the amount of \$59,355.00. Mr. Derrick stated that during the bid procedure Holzheimer Construction did not provide submittals as required. Mr. Davis opened for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr Derrick
	Mr. Rucker	Mr. Jeffcoat
	Mr. Keisler	Mr. Owens
	Mr. Cullum	Mr. Wilkerson

Opposed: Mr. Carrigg

EPA Agreement - A motion was made by Mr. Owens and seconded by Mr. Carrigg that the oversight agreement with the EPA on the 321 Landfill be approved.

Mr. Davis opened for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Owens
	Mr. Carrigg	Mr. Derrick
	Mr. Jeffcoat	Mr. Keisler
	Mr. Cullum	Mr. Rucker
	Mr. Wilkerson	

Treatment Contract - Drug Court - A motion was made by Mr. Wilkerson and seconded by Mr. Cullum that the contract for Drug Court treatment services be awarded to Insight.

Mr. Davis opened for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Cullum	Mr. Jeffcoat
	Mr. Keisler	Mr. Owens
	Mr. Rucker	Mr. Derrick

Opposed: Mr. Carrigg

There being no further business, the meeting was adjourned.

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Respectfully submitted,

Dorothy K. Black
Clerk

George H. Smokey Davis
Chairman